

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bill J. Pope et al.  
Serial Number: 09/840,623  
Filed: April 22, 2001  
Art Unit: 3726  
Examiner: Trinh T. Nguyen  
For: Method for Making Bearings, Races and Components Thereof  
Having Diamond and Other Superhard Surfaces  
Old Attorney Docket: 6069.1 P  
New Attorney Docket: 3769.DIMC.PT

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313,1450

I hereby certify that this correspondence is being deposited with the  
United States Patent and Trademark Office

on

Sept 18, 2007

Brett Peter

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**

Dear Sir:

Applicant hereby requests withdrawal of the holding of abandonment on the basis that Applicant timely responded to the Office Action to which the alleged failure to respond resulted in the issuance of a Notice of Abandonment.

The above-referenced case was filed on April 22, 2001. On November 28, 2001, Applicants' prior counsel filed a Change of Address. A copy of the Change of Address and the return postcard evidencing the receipt thereof by the U.S. Patent and Trademark Office are included as Exhibit A. On June 26, 2002, Applicants' prior counsel filed a second Change of Address. A copy of the second Change of Address and the return postcard evidencing the receipt thereof by the U.S. Patent and Trademark Office are included as Exhibit B. Both were received by the U.S. Patent and Trademark Office as evidenced by the postcards which were stamped by the U.S. Patent and Trademark Office.

On February 10, 2003, the Examiner mailed a restriction/election requirement. Applicants' prior counsel timely filed a response on February 26, 2003, which was received by the U.S. Patent and Trademark Office on March 3, 2003. A Copy of the Response to the Office Action and the post card showing receipt are attached hereto as Exhibit C.

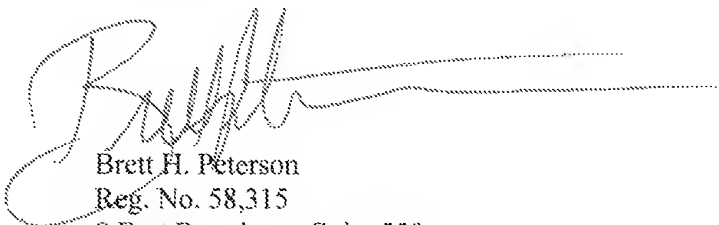
A Notice of Abandonment was mailed June 26, 2006 for the alleged failure to respond to the February 10, 2003 Office Action. However, the Notice of Abandonment was not received by the Applicants' prior counsel, as it was sent to the prior counsel's former address despite the multiple requests for Change of Address filed with the U.S. Patent and Trademark Office.

Applicants became aware of the Notice of Abandonment while performing a general review of all files while transferring the files to new counsel.

Applicants therefore request a withdrawal of the holding of abandonment and that the case be promptly moved to examination.

Should the Commissioner determine that any additional action is needed, he is invited to contact Applicants' counsel at (801) 533-0320 so that such matters can be resolved as soon as possible. The Commissioner is hereby authorized to charge any amount due or to credit any overpayment to Deposit Account No. 502720.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Brett H. Peterson", with a long horizontal flourish extending to the right.

Brett H. Peterson  
Reg. No. 58,315  
8 East Broadway, Suite 550  
P.O. Box 1319  
Salt Lake City, UT 84110

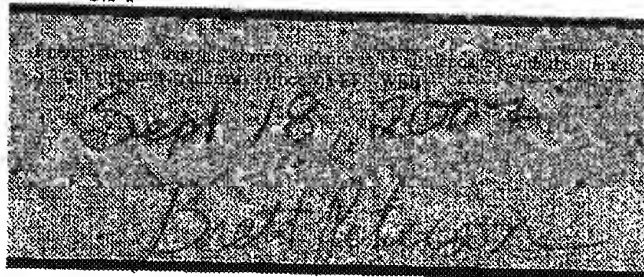
Tel. (801) 533-0320

Fax. (801) 533-0323

E-mail: [mail@batemanip.com](mailto:mail@batemanip.com)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bill J. Pope et al.  
Serial Number: 09/840623  
Filed: April 22, 2001  
Group: 3726  
Examiner: Trinh T. Nguyen  
For: Method for Making Bearings, Races and Components  
Thereof Having Diamond and Other Superhard Surfaces  
Old Attorney Docket: 6069.I P  
New Attorney Docket No. 3769.DIMC.PT  
Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF DANIEL MCCARTHY IN SUPPORT OF APPLICANTS'  
PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT**

I, Daniel McCarthy, hereby declare:

1. I am a registered patent attorney and was previously counsel of record in the above-referenced case.
2. The above-referenced case was filed on April 22, 2001.
3. On November 28, 2001, I filed a change of address along with a response to a Notice of Missing Parts. The Change of Address was received as indicated in the stamped post card.

4. On June 26, 2002, I filed a second change of address in the above-referenced case to ensure that the file had been updated. The Change of Address was received by the U.S. Patent and Trademark Office as evidenced by the stamped post card.

5. On February 10, 2003, the Examiner mailed a restriction/election requirement.

6. I timely filed a response on February 26, 2003, which was received by the U.S. Patent and Trademark Office on March 3, 2003, as evidenced by the stamped post card.

7. I have recently learned that the U.S. Patent and Trademark Office issued a Notice of Abandonment for the above-referenced case on June 26, 2006. According to the Notice of Abandonment which I downloaded from PAIR, the Notice of Abandonment was mailed to my former address (changed in the November 28, 2001 and June 26, 2002 Change of Address filings) and I did not receive the same.

8. I was unaware of the Notice of Abandonment and any delay in moving to withdraw the holding of abandonment was unintentional.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Brighton, Utah, this 17 day of September, 2007.

  
Daniel McCarthy  
Reg. No. 36,600

# Exhibit A

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING

In re Patent Application of: Bill J. Pope, et al.

Serial Number: 09/840,623

Examiner: Unassigned

Filing Date: April 22, 2001

Group Art Unit: 3682

Title: METHODS FOR MAKING BEARINGS, RACES AND COMPONENTS  
THEREOF HAVING DIAMOND AND OTHER SUPERHARD  
SURFACES



Papers filed:

1. Response to Notice to File Missing Parts,
2. Certificate of Mailing signed and dated November 28, 2001;
3. Copy of Notice to File Missing Parts of NonProvisional Application;
4. Declaration for Patent Application signed by all inventors;
5. Petition for Extension of Time for One Month,
6. Certificate of Mailing signed and dated November 28, 2001;
7. Change of Attorney's Address signed and dated November 28, 2001;
8. Appointment of Associate Attorney signed and dated November 28, 2001;
9. Check Number 156289 in the amount of \$1,735.00.

Docket No.: 05261.032/6069 1 P

Dated: 11-28-01

Attorney: Daniel P. McCarthy

RRC:ipm412 ✓

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Pope, et al.  
Title: Methods for Making Bearings, Races and Components Thereof  
Having Diamond and Other Superhard Surfaces  
Filed: 4/22/01  
Serial No.: 09/840,623  
Docket: 6069.1 P

Assistant Commissioner for Patents  
U. S. Patent and Trademark Office  
P. O. Box 2327  
Arlington, Virginia 22202

**Change of Attorney's Address**

Honorable Assistant Commissioner:

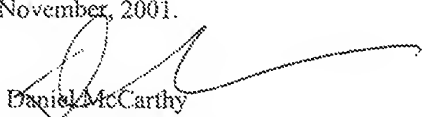
Please send all correspondence for this application to:

Daniel McCarthy  
PARSONS, BEHLE & LATIMER  
201 South Main Street, Suite 1800  
P.O. Box 45898  
Salt Lake City, Utah 84145-0898

Please direct all telephone calls to:

Daniel McCarthy  
Tel: (801) 536-6830 or (801) 532-1234

Respectfully submitted this 28th day of November, 2001.



Daniel McCarthy  
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PARSONS, BEHLE & LATIMER  
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Salt Lake City, Utah 84145-0898  
Tel: (801) 536-6830 or (801) 532-1234  
Fax: (801) 536-6111  
Email: DMCCARTHY@pblutah.com



# Exhibit B

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re U. S. Patent Application of: Bill J. Pope, et al.

Serial No.: 09/840,633

Examiner: Unassigned

Date Filed: April 22, 2001

Group Art Unit: 3682

Title: METHODS FOR MAKING BEARINGS, RACES AND COMPONENTS

THEREOF HAVING DIAMOND AND OTHER SUPERHARD SURFACES

Papers filed:

1. Change of Attorney's Address signed and dated June 25, 2002;
2. Appointment of Associate Attorney signed and dated June 25, 2002;
3. Information Disclosure Statement signed and dated June 26, 2002, and accompanied by PTO Form 1449;
4. Copies of cited documents;
5. Certificate of Mailing signed and dated June 26, 2002.

Docket No.: 65761 652

Dated: 06-26-02

RRC:ipn555

Attorney: Daniel P. McCarthy



6069.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Pope et al.  
Title: Methods for Making  
Bearings, Races and Components Thereof Having Diamond and Other  
Superhard Surfaces  
Filed: April 22, 2001  
Serial No.: 09/840,623  
Docket: 6069.1 P  
Assistant Commissioner for Patents  
Washington, DC 20231

**Change of Attorney's Address**

Honorable Assistant Commissioner:

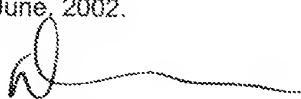
Please send all correspondence for this application to:

Daniel McCarthy  
PARSONS, BEHLE & LATIMER  
201 South Main Street, Suite 1800  
P.O. Box 45898  
Salt Lake City, Utah 84145-0898

Please direct all telephone calls to:

Daniel McCarthy  
Tel: (801) 536-6830 or (801) 532-1234

Respectfully submitted this 25th day of June, 2002.



Daniel McCarthy  
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# Exhibit C

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re U. S. Patent Application of: Bill J. Pope, et al.

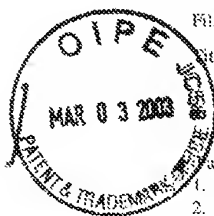
Serial Number: 09/840,623

Examiner: Trinh T. Nguyen

Filing Date: April 22, 2001

Group Art Unit: 3726

Title: "METHODS FOR MAKING BEARINGS, RACES AND COMPONENTS  
THEREOF HAVING DIAMOND AND OTHER SUPERHARD  
SURFACES"



Papers filed:

1. Response to Office Action signed and dated February 26, 2003;
2. Certificate of Mailing signed and dated February 26, 2003;
3. Information Disclosure Statement signed and dated February 26, 2003, and accompanied by Form 1449 and copies of cited patents;
4. Certificate of Mailing signed and dated February 26, 2003.

Docket Number: 05261 032/6069.1

Dated: 02-26-03

BRC:pn752

Attorney: Daniel P. McCarthy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Pope et al.  
Title: Methods for Making  
Bearings, Races and Components Thereof Having Diamond and Other  
Superhard Surfaces  
Filed: April 22, 2001  
Serial No.: 09/840,623  
Docket: 6069.1 P  
Examiner: Nguyen, Trinh T.  
GAU: 3726

Assistant Commissioner for Patents  
Washington, DC 20231

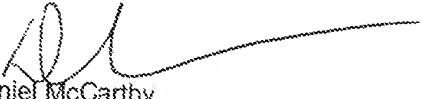
**Response to Office Action**

Honorable Assistant Commissioner:

This paper is intended to be fully responsive to the office action mailed on February 10, 2003.

In the office action, the Examiner issued a restriction requirement. Applicant elects species 1 (claims 1-101 and 103-107).

Respectfully submitted this 26th day of February, 2003.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

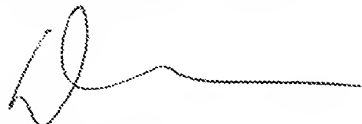
Inventors: Pope et al.  
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Serial No.: 09/840,623  
Docket: 6069.1 P  
Examiner: Nguyen, Trinh T.  
GAU: 3726

Assistant Commissioner for Patents  
Washington, DC 20231

**Certificate of Mailing**

Honorable Assistant Commissioner:

I hereby certify that the attached Response to Office Action is being submitted via first class mail with the United States Postal Service in an envelope with sufficient postage on February 26, 2003, the envelope being addressed to: Assistant Commissioner for Patents, Washington, DC 20231.



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